APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,372	12/08/2000	Paul R. Petersen	M00-175100	1974

		EXAMINER
7590	12/16/2003	THOMPSON JR, FOREST

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ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	cant(s)
Office Action Summary	09/733,372	PETERSEN, PAUL R.
	Examiner	Art Unit
	Forest Thompson Jr.	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 December 2000</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 December 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

   a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-21 have been examined.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Sipple et al. (U.S. Patent No. 6,405,327), alSafadi et al. (U.S. Patent No.

6,467,088), Smith et al. (U.S. Patent No. 5,848,250), and Katz et al. (U.S. Patent No.

6,055,513).

Claims 1-21: Applicant's invention of a system that facilitates a purchase of

merchandise by a customer or user is disclosed in the following identified prior art.

Applicant's invention teaches a method for determining upgrade requirements for a

computer system (specifically, a memory upgrade). However, the invention is taught by

an upgrade of _any_ device/software/hardware/system, which is taught by prior art that

disclose determining system upgrades and making purchases on-line. Specific prior art

that, when combined, teach applicant's invention include:

(a)   Sipple et al. discloses performance monitoring of a user system to determine

possible system upgrades that would improve performance of the system. System

performance is monitored and compared to previous performance data to identify

performance degradation or limitations that may be overcome by upgrades to the

system. Sipple et al. also identifies specific upgrades that could impact system

performance problems. (Abstract). Additionally, Sipple et al. discloses:

-       the automatic performance monitoring procedure preferably only obtains results

from three of the computer subsystems, namely: 1) the instruction processor, 2) the

memory, and 3) the input/output processor (col. 10 lines 9-12).

-       In this example, the performance monitoring process 1100 has detected an

actual performance limiter in the I/O processor of the computer system. The console

display 1116 contains a simple message 1200 indicating a performance problem, and a

suggested course of action for correcting the problem (in this case, a part number for an

enhanced I/O processor unit) (col. 11 lines 8-14).

-       A second message 1202 shown on the console display 1116 describes an early

warning performance problem in the instruction processor subsystem. In this instance,

the message provides the user with the actual percentage utilization of the subsystem.

The message also includes a suggested course of action for correcting the problem (in

this case, a part number for an enhanced instruction processor subunit) (col. 11 lines

17-23).

-       an easy-to-understand informational message is provided to a user such as a

computer operator identifying subsystems that are performance inhibitors along with

suggestions of specific upgrade solutions that will address the identified performance

problems (col. 6 lines 24-29).

-       Block 1066 then receives control from block 1062 via interface 1065. Block

1066 will notify the computer operator of any performance limiters detected in block

1062 (col. 10 lines 63-65).

(b)   alSafadi et al. discloses:

-       a reconfiguration manager 10 interacts with an electronic device 12 also referred

to as "Device X." The device 12 may represent a desktop, laptop or palmtop computer,

a personal digital assistant (PDA), a telephone, television, set-top box or any other type

of consumer electronic processing device. The device 12 includes a number of

software components 14A, 14B and 14C, corresponding to version 1.1 of a software

component A, version 2.3 of a software component B, and version 2.0 of a software

component C, respectively. The reconfiguration manager 10 may be implemented on a

computer, a set of computers, or any other type of data processing system or device.

(col. 3 lines 15-26)

-       In operation, the reconfiguration manager 10 receives a request 20 from the

device 12. In this example, the request 20 indicates that a user of the device 12 wants

to upgrade the device to include version 2.0 of software component A. The request in

the illustrative embodiment also includes a list of the components currently in the

device, i.e., version 1.1 of component A, version 2.0 of component C and version 2.3 of

component B. The request may include additional information, such as any needed

information regarding the interconnection of the components or other parameters

associated with the device. (col. 4 lines 12-22)

-       In step 100, the reconfiguration manager 10 obtains information regarding the

hardware and software configuration of device X, i.e., electronic device 12 of FIG. 1.

This information is generally included as part of the request 20 sent by the device 12 to

the reconfiguration manager 10. In other embodiments, this information may be

obtained in another suitable manner, e.g., from a local database based on a serial

number or other identifier of the electronic device. (col. 4 lines 39-47)

-       a particular set of upgrade configuration is selected in step 116, and the upgrade

is approved in step 118 as compatible with the current configuration of device X. The

selection in step 116 may be based at least in part on one or more established criteria,

such as least expensive, maximum improvement in system operating speed, most

recently modified, most energy efficient, or other suitable criteria. The reconfiguration

manager or other server associated therewith then downloads the upgrade to device X

in step 120. (col. 5 lines 9-18)

-       Information regarding the particular components in the device may be

determined, e.g., by accessing a local database using the device identifying information,

may be supplied directly by the user, or may be determined using combinations of these

and other techniques. (col. 6 lines 22-27)

-       The above-described embodiments of the invention are intended to be illustrative

only. For example, the invention can be used to implement upgrading or other

reconfiguration of any desired type of software or hardware component, as well as

combinations of these and other components, for any desired type of electronic device,

and in many applications other than those described herein. The invention can also be

implemented at least in part in the form of one or more software programs which are

stored on an otherwise conventional electronic, magnetic or optical storage medium and

executed by a processing device, e.g., by the processors 220 and 230 of system 200.

These and numerous other embodiments within the scope of the following claims will be

apparent to those skilled in the art. (col. 6 lines 28-41)

(c)   Smith et al. discloses:

-        A system for upgrading a personal computer includes a motherboard having

upgrade sockets for upgrading the CPU and the clock oscillator without the need to

remove any components. The system includes sensing circuitry for detecting the type

of component plugged into the upgrade socket and circuitry for disabling the upgraded

component. In addition, the system includes software for reconfiguring various signals

depending on the particular upgrade plugged into the upgrade socket. By providing a

system that can be upgraded by merely inserting a newer component, upgrades can be

performed rather quickly. In addition, the upgrade system allows the end user a

plurality of upgrade options while at the same time allows the end user to take

advantage of declining CPU prices. (Abstract)

-        An important aspect of the invention is the ability of the system to provide

multiple options with respect to the choice of CPU upgrades (col. 3 lines 8-10).

(d)   Katz et al. discloses, in one aspect of the invention, goods, service or information

are provided to the user via electronic communication, such as through a telephone,

videophone or other computer link, as determined by the steps of first, establishing

communication via the electronic communications device between the user and the

system to effect a primary transaction or primary interaction, second, obtaining data with

respect to the primary transaction or primary interaction, including at least in part a

determination of the identity of the user or prospective customer, third, obtaining at least

a second data element relating to the user, fourth, utilizing the primary transaction or

primary interaction data along with the at least second data element as factors in

determining at least one good, service or item of information for prospective upsell to

the user or prospective customer, and offering the item to the prospective customer.

(Abstract)

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Prior art includes:

-       Williams et al. (U.S. Patent No.) teaches An application-specific integrated circuit

(ASIC) for enabling access to memory. ASIC includes a decryptor, a valid authorization

storage component, an upgrade verifier, an upgrade storage component, and an

enabling component. The decryptor inputs an encrypted authorization code and outputs

a decrypted authorization code. The valid authorization storage component stores and

outputs a valid authorization code. The upgrade verifier inputs the decrypted

authorization code and the valid authorization code, compares the decrypted

authorization code to the valid authorization code to determine whether access to the

portion of memory is authorized, and outputs a signal to enable access to the portion of memory. The upgrade storage component stores the signal output from the upgrade verifier..
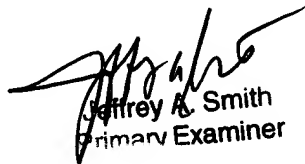
- Henson (U.S. Patent No.) teaches A web-based online store includes a configurator, a cart, a checkout, and a database, further in which a user interface of the online store enables a custom configuration of a computer system according to an identification of a user belonging to a prescribed customer set. The configurator is provided for configuring a computer system with options selected according to a prescribed user input, the options and a respective pricing for each option being presented on a configurator web page in accordance with the identification of the user belonging to a prescribed customer set.

- Olarig et al. (U.S. Patent No. 6,260,127) teaches owners of computer systems need no longer replace entire memory arrays to take advantage of new memory modules; some memory modules may be upgraded to a new type while other memory modules of an older type remain. The memory controller receives memory requests from multiple processors and bus masters, identifies a memory module and memory access parameters for each request, accesses the memory and returns the resulting data (during a read request) or stores the data (during a write request). In some systems, the memory controller of the present invention is a two-tier memory controller system having a first memory controller coupled to the bus and to the second tier of memory controllers or RAM personality modules that translate between the first memory controller and a particular type of memory module.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FT
02 December 2003

Jeffrey A. Smith
Primary Examiner